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23 UNITED STATES DISTRICT COURT  
24 DISTRICT OF NEVADA

25 BARTELL RANCH LLC, et al.,

26 Case No.: 3:21-cv-80-MMD-CLB  
**(LEAD CASE)**

27 Plaintiffs,

28 v.  
29  
30 ESTER M. MCCULLOUGH, et al.,  
31  
32 Defendants,  
33 and  
34 LITHIUM NEVADA CORPORATION,  
35  
36 Intervenor-Defendant

**JOINT MOTION BY**  
**ENVIRONMENTAL PLAINTIFFS AND**  
**FEDERAL DEFENDANTS FOR STAY**  
**OF BRIEFING ON PLAINTIFFS'**  
**MOTION FOR ATTORNEYS' FEES**  
**AND EXPENSES**

1 WESTERN WATERSHEDS PROJECT, et al.,  
2 Plaintiffs,  
3 and  
4 RENO SPARKS INDIAN COLONY,  
5 Intervenor-Plaintiff,  
6 and  
7 BURNS PAIUTE TRIBE,  
8 Intervenor-Plaintiff,  
9 v.  
10 UNITED STATES DEPARTMENT OF THE  
11 INTERIOR, et al.,  
12 Defendants,  
13 and  
14 LITHIUM NEVADA CORPORATION,  
15 Intervenor-Defendant.

16 Plaintiffs Western Watersheds Project, et al. (WWP or Environmental Plaintiffs), and the  
17 Federal Defendants, the United States Bureau of Land Management et al. (BLM), file this Joint  
18 Motion and Status Report to continue the stay of briefing on WWP's Motion for attorneys' fees  
19 and expenses to facilitate negotiations that may result in settlement of WWP's fees Motion. This  
20 Motion proposes a shorter stay and schedule that will allow the Court to resolve WWP's Motion  
21 for attorneys' fees by the end of September, in compliance with the Court's Order issued June  
22 17, 2024 (ECF No. 331).

23 Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412 (EAJA), WWP filed its fees  
24 Motion on November 10, 2023 (ECF No. 309). In order to meet EAJA's filing deadline, 25  
25

1 U.S.C. §2412(d)(1)(B), and in support of potential settlement, WWP filed a “placeholder” fees  
 2 motion, meeting the requirements of EAJA, while allowing the parties to pursue settlement and  
 3 avoid further briefing and evidence submittals while negotiations continue. *See Greenpeace v.*  
 4 *Stewart*, No. 17-35945, 2020 WL 2465321, \*4-5 (9th Cir. Commissioner, May 12,  
 5 2020)(approving use of placeholder fees motion to facilitate settlement).

6 Pursuant to this Court’s Order (ECF No. 327) approving WWP’s and the Federal  
 7 Defendants’ previous joint status report and motion to extend the deadlines regarding WWP’s  
 8 fees Motion, this status report is due June 19, 2024. Environmental Plaintiffs and the Federal  
 9 Defendants filed a fifth Joint Motion for Stay on Briefing of Plaintiffs’ Motion for Attorneys’  
 10 Fees and Expenses on June 13, 2024 (ECF No. 330).

11 The Court denied our Joint Motion (ECF No. 330) on June 17, 2024 without prejudice  
 12 “to the parties proposing a shorter stay and schedule that would allow the Court to resolve the  
 13 Motion by the end of September” (ECF No. 331). As stated above, Environmental Plaintiffs and  
 14 the Federal Defendants therefore file this new Joint Motion and Status Report to comply with the  
 15 Court’s deadline provided in the Court’s Order (*Id.*).

16 WWP and the Federal Defendants are currently engaged in negotiations and propose that  
 17 briefing be continued to be stayed while these discussions are ongoing. In the event that a  
 18 settlement cannot be reached, WWP and the Federal Defendants further propose that WWP and  
 19 the Federal Defendants will inform the Court and, at that time, file a joint schedule to allow  
 20 WWP to amend its fees Motion and submit additional declarations and materials in support of its  
 21 Motion, as well as a schedule for the Federal Defendants’ response and WWP’s reply.

22 Accordingly, WWP respectfully request that this Court issue an Order such that:

- 23 1. Briefing on WWP’s Motion continues to be stayed;  
 24 2. The parties will submit a status report on the potential settlement of WWP’s

Motion within 30 days of the date of this Court's Order on this Joint Motion; and

3. If settlement cannot be reached, WWP and the Federal Defendants will file an expedited joint schedule for WWP to amend its Motion, and include additional declarations and materials in support, as well as for the Federal Defendants' response and WWP's reply, that will allow the Court to resolve the Motion by the end of September 2024 pursuant to the Court's Order (ECF. 331).

Respectfully submitted this 19<sup>th</sup> day of June, 2024.

/s/ Jaimie Park  
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**CERTIFICATE OF SERVICE**

I hereby attest that I served the foregoing on counsel of record for all parties via the Court's CM/ECF system, this 19<sup>th</sup> day of June, 2024.

/s/ *Jaimie Park*

## **IT IS SO ORDERED.**

DATED:

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**CHIEF U.S. DISTRICT JUDGE  
MIRANDA M. DU**